

OGC-84-50028
5 March 1984

MEMORANDUM FOR:

Office of Legislative Liaison

FROM:

Office of General Counsel

SUBJECT:

Comment on Proposed LANDSAT Legislation

1. The attached pages (Attachments A & B) contain the proposed changes and additional language for H.R. 4836 and S. 2292 which you and I have discussed and agreed upon. As I told you on 2 March, we and the Chairman, COMIREX, believe that it is important that the DCI express his views on this legislation, irregardless of whether the comments either do, or might, parallel the Department of State's or Department of Defense's comments on this legislation.

2. With regard to the NASA, DoD and State comments on H.R. 4836 which we discussed on 2 March, we would like to reiterate:

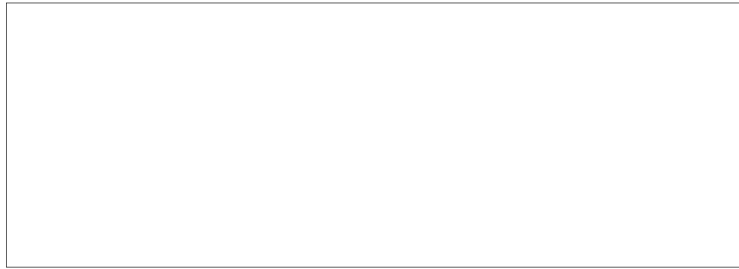
- The DCI has "no opinion" as regards the NASA letter to Rep. Scheuer.
- The DCI has no comment with regard to DoD's suggested changes to sections 604 and 606(c)(2), but agrees with the suggested treatment of section 606(a), (b) and (c)(1).
- The DCI has no comment with regard to the Department of State's proposed change of section 606(c)(2), but agrees with the proposed treatment of section 606(a), (b) and (c)(1). However, we do not find State's alternative treatment of 606(c)(1) (bottom of the first full paragraph on page two of Bennett's letter) to be acceptable.

3. Bill Bishop's draft testimony on H.R. 4836 should, as we discussed, receive a "no comment" from the DCI, except for the paragraph entitled "Roles of the Departments of State and Defense" which is found on page 13. That paragraph focuses on the same problem which we raise in the attached draft language. I believe that the DCI should endorse the views expressed in that paragraph.

4. I understand that although I made these comments and the attached draft language known to you on Friday morning, 2 March, in time to meet OMB's deadline for comments, you did not provide OMB with the details of these comments and suggested changes. I

hope that the contents of paragraphs 2 and 3 above, and the attached changes, will be relayed to OMB in time to have an impact on the mark-up of these bills.

STAT



DCI Proposed Changes to H.R. 4836

Sec. 104(3)(A)

The following sentence should be added to (3)(A) after the sentence ending with "over another":

Preferences or special arrangements that are required by the conditions established pursuant to section 606 to meet the national security concerns or the international obligations of the United States shall be deemed to be non-discriminatory.

Sec. 40²7(b)(1)

Change to read:

The system shall be operated in compliance with the conditions arising from international obligations and national security concerns pursuant to section 606.

Sec. 403(d)

Change to read:

... the regulations issued pursuant to this Act, and the conditions arising from the international obligations and national security concerns of the United States established pursuant to section 606. The Secretary shall ...

Sec. 606

606(a) Add the following at the end:

The Secretary of Defense shall determine those conditions which are necessary to impose on any system operator to meet the national security concerns of the United States.

606(b)(1) Add the following at the end:

The Secretary of State shall determine those conditions which are necessary to impose on any system operator to meet the international obligations of the United States.

606(c)(1) Delete

DCI Proposed Changes to S. 2292

Sec. 103(2)

Add at the end of 103(2), after subsection (c), the following sentence:

Preferences or special arrangements that are required by the conditions established pursuant to section 606 to meet the national security concerns or the international obligations of the United States shall be deemed to be non-discriminatory.

Sec. 402

402(b) Add a new subsection (6):

(6) the entity seeking to obtain the license agrees to comply with the national security concerns and international obligations established pursuant to section 606.

402(c)(1) Add:

... other appropriate Federal agencies, and consistent with the conditions developed under section 606, shall be ...

Sec. 606

606(a) Add the following at the end:

The Secretary of Defense shall determine those conditions which are necessary to impose on any system operator to meet the national security concerns of the United States.

606(b) Add the following at the end:

The Secretary of State shall determine those conditions which are necessary to impose on any system operator to meet the international obligations of the United States